

REMARKS

This is in response to the Office Action in the form of a restriction requirement, dated January 22, 2008, issued by the Examiner in connection with the above-referenced application.

Applicants would like to thank Examiner Niebauer for the telephone interview granted on February 21, 2008 in which clarification of the restriction requirement was provided.

In view of the following remarks, reconsideration of the restriction requirement is respectfully requested.

Claims 19-36 are pending in this application. In the Office Action, the Examiner requires restriction under 35 U.S.C. §121 and 35 U.S.C. §372 as follows:

Group I, claims 30-36, drawn to liquid compositions.

Group II, claims 19-29, drawn to methods of prevention.

Applicants hereby elect Group II, claims 19-29 **with traverse**. The claims are related in that they both recite a particular composition. The claims of Group I are directed to a composition suitable for enteral administration and the claims of Group II are directed to a method of preventing multiple organ dysfunction by enterally administering the composition of Group I. Accordingly, the search required for the examination of Group II method claims using the particular composition of Group I claims would encompass the search required for the examination of the composition of Group I claims.

The Examiner has issued a further species requirement with respect to the components of the composition. The Examiner states that the claims are generic to carbohydrates, guanosine equivalents, ribose equivalents, flavonoides, peptides, folic acid equivalents, and polysaccharides and that Applicants should identify a specific composition (such as in examples 1-7) so that each generic component is uniquely identified as a species.

Method claim 19 comprises two components: (i) a liver-GTP increasing component and (ii) digestible water soluble carbohydrates. Component (i) is selected from guanosine equivalents and ribose equivalents. A species, i.e., a specific example, of the group of guanosine equivalents is obviously guanosine itself. Similarly, ribose is a species of ribose equivalents. Hence, guanosine and ribose are two species of generic group (i).

Applicants hereby elect guanosine, (examples 1 and 2), as the species of the liver-GTP increasing component (i), and glucose, (examples 1, 2, 3, 4, and 7), as the species of the digestible water-soluble carbohydrates (ii). This election is made **with traverse**.

Currently, the Examiner has stated that all of the claims, i.e., claims 19-36, are generic. Group II, (claims 19-29) have been elected. Claims 19-29 have been deemed generic to all of the species. Accordingly, claims 19-29 read on the elected species.

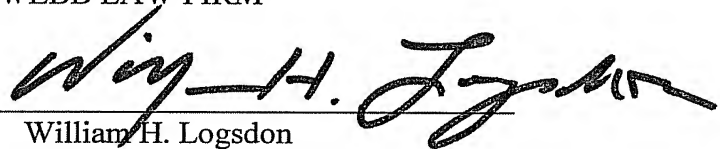
Applicants also note that restriction between the allegedly distinct species is improper as the search directed to any of these species would clearly overlap. Furthermore, the Examiner has identified that all of the claims are generic to the allegedly distinct species. Accordingly, such coextensive searching would not present any undue burden on the Examiner for examination of all of the claims.

In view of the above remarks, withdrawal of the restriction requirement is respectfully solicited.

Respectfully submitted,

THE WEBB LAW FIRM

By



William H. Logsdon
Registration No. 22,132
Attorney for Applicants
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com